

## Remarks

The Applicant gratefully acknowledges the telephone discussion between the Examiner and Applicant's attorney on September 5, 2007, wherein the amendments proposed in a fax dated August 22, 2007, were discussed. No agreement was reached regarding claim allowance but Examiner Cole noted that the proposed amendments would overcome the Deignan reference.

The Final Office Action dated July 23, 2007, has been carefully considered. After such consideration, independent Claims 1 and 9 have been amended to correct technicalities and clarify the inventions from the prior art and dependent Claim 8 was cancelled. As such, Claims 1-7; and 9-15 remain in the case with none of the claims currently being allowed.

Claims 1 and 9 were rejected for a lack of written description for their recitation of "integral knitting". This recitation has been removed from both claims. Withdrawal of the rejections is respectfully requested.

Claims 1-7; and 9-15 under 35 U.S.C. §103(a) in view of Deignan, Gajjar, Frenzel and Spencer have been maintained. Reconsideration and allowance is respectfully requested in view of the following remarks.

Applicant is in full agreement with Examiner's assertion that Deignan teaches a tape with the cord inserted into the tape while the Applicant teaches a tape that can go over a cord.<sup>1</sup> However, Applicant respectfully disagrees that the two tapes are structurally the same. Very simply, Deignan discloses "...to provide a channel 40 between front and back filling yarns 34 and 36 into which cord 32 is laid"<sup>2</sup> while the present invention has a plurality of width-wise connections which intrinsically prevent the formation of a channel.<sup>3</sup>

However, in order to more clearly articulate the non-channeled structure of the present invention and more clearly define said invention over the prior art, independent Claims 1 and 9 have been amended to introduce "whereby the base fabric layer and the patterned fabric layer are integrated by lengthwise and widthwise spanning connections" and "non-channeled" as structural limitations. Accordingly, the specification has been amended to describe those structural limitations. Applicant asserts that while the phrase "whereby the base fabric layer and

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<sup>1</sup> Page 4, lines 13-15.

<sup>2</sup> Column 4, lines 44-45.

<sup>3</sup> See at least Fig. 1.

the patterned fabric layer are integrated by lengthwise and widthwise spanning connections” and the term “non-channeled” are new, these limitations do not constitute the introduction of new matter because they are innate to the originally filed specification given the extensive width-wise interaction between the pattern filling and base filling yarns.<sup>4</sup> Moreover, it is well settled that the invention claimed does not have to be described word for word (*ipsis verbis*) in order to satisfy the 35 USC §112 description requirement.<sup>5</sup>

In light of the amendments to independent Claims 1 and 9, it is believed that these claims, as well as Claims 2-7 and 10-15 depending therefrom, are patentable. Claim allowance is respectfully requested.

By this amendment, the Applicant believes he has placed the case in condition for allowance and such action is respectfully requested. If, however, any issue remains unresolved, applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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<sup>4</sup> See combination of Figs. 5 and 8 that show connections spanning the width of the tape. The Person of Ordinary Skill In The Art would understand that these connections create a physical barrier to the lengthwise insertion of a mattress cord.

<sup>5</sup> See *In re Lukach*, 442 F.2d 967, 169 USPQ 795 (CCPA 1971).